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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,544

11/14/2003

Richard Lorenz

50-03-045

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09/10/2008

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EXAMINER

SURVILLO, OLEG

ART UNIT

PAPER NUMBER

2142

MAIL DATE

DELIVERY MODE

09/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/714,544</p>	<p>Applicant(s) LORENZ, RICHARD</p>	
	<p>Examiner OLEG SURVILLO</p>	<p>Art Unit 2142</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-30.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142

Continuation of 3. NOTE: Regarding amendment to claims 1, 11, and 21, this amendment would change the scope of the invention and would necessitate further consideration and search.

Continuation of 13. Other: Regarding drawings objection, Applicant's amendment has been fully considered and is sufficient. Therefore, if amendment was entered, drawings objection would have been withdrawn.

Regarding specification objection at par. 4 and 5 of the last OA, Applicants argued that: "it is well known that "should" indicates an optional characteristics, as opposed to "must"". The Examiner disagrees. Applicants are requested to provide a corroborative evidence for their interpretation of "should" in light of MPEP 608.01(b). Applicants further argued that: "elimination of the descriptive phrase "A system, method, and computer program product for filtering electronic mail" would actually make the Abstract less informative to the public, as that phrase describes the claimed embodiments in as simple language as possible". The Examiner fails to see how elimination of the recited phrase, being a pure repetition of the title of the invention, would make the abstract less informative to the public. On the contrary, having the first sentence of the abstract repeat the title verbatim does not make the abstract any more informative to the public, and is also not in compliance with MPEP 608.01(b). Therefore, the objection is maintained.

Regarding specification objection at par. 6 and 7 of the last OA, Applicants argued that: "the current Summary in paragraph 0005 concisely describe various claimed embodiments, and in no way "fits one application as well as another"". This argument is moot because the objection was specifically made to paragraphs 0006 and 0007 of the Brief Summary, and not to paragraph 0005, as argued by Applicant. Therefore, the objection is maintained.

Regarding specification objection at par. 8 of the last OA, Applicant's amendment has been fully considered and is sufficient. Therefore, if amendment was entered, specification objection at par. 8 of the last OA would have been withdrawn.

Regarding specification objection at par. 9 of the last OA, Applicant's amendment has been fully considered and is sufficient. Therefore, if amendment was entered, specification objection at par. 9 of the last OA would have been withdrawn. In addition, Applicant's statement that a "machine-readable medium" is necessarily a "machine usable medium" is noted and placed on the record.

Regarding claim objections, Applicant's amendment to claim 11 has been fully considered and is sufficient. Therefore, if amendment was entered, the previously made claim objection would have been withdrawn.